IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4395 of 2000
Date of Decision: 14.8.2007

Shriomani Gurudwara Prabandhak Committee, Amritsar

...Appellant

Versus

Mohan Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Sukhbir Singh, Advocate, for the appellant.

Shri Chander Tikshit, Advocate, for the respondents.

HEMANT GUPTA, J.

The plaintiff is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby the suit for possession of the suit land and for recovery of the lease money, was dismissed.

It is the case of the appellant that Gurudwara Bhai Mansa Singh Ji is a Sikh Notified Gurudwara. The land in dispute measuring 200 Kanals 5 marlas, is attached to the said Gurudwara and, therefore, vests with the plaintiff. However, the same has been leased by defendant Nos. 1 to 5 to defendant Nos. 6 to 9 and thus, the plaintiff is entitled to possession and the lease money.

Both the Courts have dismissed the suit holding that the plaintiff has failed to produce the notification notifying Gurudwara Bhai Mansa Singh Ji as notified Gurudwara in terms of Section 3 of the

Sikh Gurudwara Act, 1925 (for short`the Act').

Learned counsel for the appellant has vehemently argued that though the notification declaring the Gurudwara Bhai Mansa Singh Ji to be a notified Gurudwara in terms of Section 3 of the Act, could not be produced but the vesting of the Gurudwara with the plaintiff-appellant is proved by virtue of the notification dated 9.8.1965 constituting the Managing Committee for the said Gurudwara by the appellant.

The said argument raised by the learned counsel for the appellant is not worthy of any credence. The question of vesting of Gurudwara Bhai Mansa Singh Ji with the plaintiff will arise only if it is notified in terms of the provisions of the Act. Since the appellant has failed to prove any notification notifying the Gurudwara to be a notified Sikh Gurudwara, therefore, any notification constituting the Managing Committee, would not be sufficient to declare the plaintiff to be owner of the suit land competent to seek possession from the defendants.

In view of the above, I do not find any patent illegality or irregularity in the findings recorded by the Courts below, which may give rise to any substantial question of law in the present appeal. Hence, the present appeal is dismissed.

14-08-2007 (HEMANT GUPTA)
ds JUDGE